

## **FISCAL NOTE**

### **HB 2518**

February 18, 2008

**SUMMARY OF BILL:** Increases the penalty for facilitation of first degree murder if the victim was a law enforcement officer engaged in official duty and the defendant knew or should have known the person was a law enforcement officer. Requires a minimum 25-year sentence.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$917,200/Incarceration\***

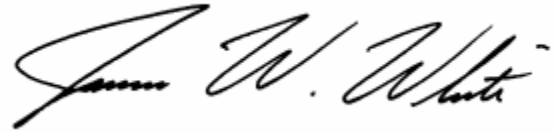
##### Assumptions:

- Facilitation of first degree murder is a Class A felony punishable by a sentence ranging from 15 to 60 years, depending on the offender's criminal history. Under this bill, the court would be required to impose a minimum sentence of 25 years, and the offender would be required to serve 100 percent less sentence credits earned and retained.
- According to the Department of Safety, there have been 22 cases of first degree murder in which the victim was a law enforcement officer engaged in official duties during the past five years. An average of four per year.
- According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2008 is \$62.78. Estimate assumes four persons will be convicted of facilitation of first degree murder involving a law enforcement officer on duty and will have to serve an additional 15.25 years (an increase from 6.0 years to 21.25 years, 85 percent of 25 years). The cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders serving additional time in the tenth year as a result of this bill. The cost per inmate at 6.0 years is \$137,582.37 (\$62.78 x 2,191.50 days). The cost per inmate in the tenth year is \$366,886.32 (\$62.78 x 5,844 days). The additional cost of increasing the average sentence length from 6.0 years to 21.25 years is \$229,303.95 (\$366,886.32 - \$137,582.37). The total additional operating cost for four offenders in the tenth year is \$917,215.80 (\$229,303.95 x 4).
- No significant incarceration cost increase will occur due to population growth in this period.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive, flowing style with a large initial "J" and "W".

James W. White, Executive Director

/lsc